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UNCLAS SECTION 01 OF 02 GUATEMALA 000766

SIPDIS

SENSITIVE

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SUBJECT: GUATEMALA INVESTIGATING DEATH OF ANTI-CAFTA  
DEMONSTRATOR

REF: GUATEMALA 00699

1. (U) Summary: The Government of Guatemala is investigating the death from a gunshot wound of a teacher in the March 15 anti-CAFTA demonstration and roadblock in the department of Huehuetenango. Several other demonstrators were seriously wounded. It is not clear who fired the shot that killed the demonstrator. Civil society groups have blamed both police and army for the shootings. Their accounts, however, are inconsistent and conflicting. The army was present but denies firing any weapons. The national civilian police (PNC) claims that police took fire from demonstrators, but it does not yet confirm nor deny that police returned fire. Public Ministry (MP) prosecutors in Huehuetenango and the PNC's Office of Professional Responsibility (ORP) have initiated investigations and are working together on the case. A second casualty of the demonstrations was a woman who bled to death after giving birth when roadblocks delayed her reaching a hospital. End Summary.

2. (U) The Public Ministry in Huehuetenango and the ORP opened separate investigations into the shooting but are also working together. Our MP source in Huehuetenango confirmed they had received an autopsy report, a lead investigator had been assigned to the case, and they had begun interviewing witnesses. The ORP confiscated police weapons, apparently to determine which weapons were fired and whether one of those weapons fired the lethal shot. According to PNC sources, PNC Director Edwin Sperisen has assumed exclusive responsibility for communicating with the public on the case. Neither the ORP nor the MP has released any information to date.

3. (U) In the hours before the March 15 shooting, demonstrators blocked a section of the Interamerican Highway at Naranjales bridge at km 284 of the Interamerican Highway. When police arrived, demonstrators ignored orders to disperse and may even have pushed the police back. By several accounts, the shooting was initiated by some person or persons positioned on one of the hillsides flanking the road, but it is not clear whether the shots were fired by police or demonstrators or both. In its official statement, the office of the Human Rights Ombudsman (PDH) reports that its investigator counted more than 30 bullet casings at the scene several hours later. Video footage confirms reports that police responded with smoke bombs and tear gas, but police have not yet confirmed nor denied firing their weapons.

4. (SBU) Our sources at the MP believe that Lopez was probably shot from a distance, not at close range as reported by some media. The victim's body was sent for an autopsy to try to determine whether the caliber of the bullets used was the same as those used by PNC. The results have not yet been released.

5. (SBU) Several accounts, including a statement by the PDH, suggested that four police were taken and held hostage by demonstrators who released the police in exchange for four demonstrators who had been arrested. A PNC source confirmed to us that four police were taken hostage and released and also told us the demonstrators set fire to a police patrol car.

6. (U) Embassy contacted the People's Labor Action Unit (UASP), one of the demonstration organizers, and the PDH for their accounting of events. The PDH issued an official statement written by a field investigator who arrived at the scene hours after the events, and who pieced together most of his report by interviewing demonstrators. In that report, the PDH concludes the victim was shot by police positioned on the road to the bridge. UASP, on the other hand, told us that he was not shot by police, but by an army soldier positioned on one of the hills flanking the road. According to UASP, the soldier had infiltrated the demonstrators. The Mutual Support Group (GAM) is filing a complaint against the government for the demonstrator's death. In that complaint, the GAM does not assert that police shot him, but that by responding with force the government "failed to ensure life."

7. (SBU) We also spoke with the governor of Huehuetenango, who visited the scene after the violence and spoke with motorists who had been trapped by the roadblock. According to those witnesses, demonstrators waited for police to reach

the section of road between two hills, then opened fire from above. The governor also said demonstrators were charging cars Q20 (\$2.50) to pass the roadblock, a statement confirmed by the PDH. He said coffee trucks were charged as much as Q600 (\$75.00) to pass. The governor confirmed that four police were taken hostage and believed they had been exchanged for four demonstrators who had been arrested. He also confirmed that a police patrol car had been burned.

18. (SBU) The Army Chief of Staff told us a platoon backing up the police never fired a shot. He said there was confusion when tear gas blew back over the police and soldiers, who were not equipped for it. He said the soldiers hung back while the police tried to disperse the road blockers. He thought that command and control may have broken down among police for a few minutes shortly before the demonstrator was shot.

19. (U) A 40 year old woman died a few hours after giving birth to her eighth child when she was delayed an hour at a roadblock in the department of Quetzaltenango on March 15. Demonstrators eventually helped the pickup transporting the woman pass the roadblock, but the help came too late and she bled to death before reaching the hospital.

10. (U) A statement issued by the Government of Guatemala March 16 lamented the deaths occasioned by the roadblocks. It said the government would make available to the Public Ministry all resources necessary to carry out an exhaustive investigation and to prosecute those responsible.

11. (SBU) Comment: It is still unclear who fired the first or lethal shot. The most likely scenario is that someone on the hill opened fire, but we have no confirmation that police returned fire. It is clear that police lost control of the situation. It is also clear that the demonstrators were not peaceful; nor did they cooperate with police efforts to clear the road. The fact that police were taken hostage by demonstrators suggests that police were mostly reluctant to use their firearms, even in self-defense. It is encouraging that both the MP and ORP moved quickly to interview witnesses and collect whatever ballistic and forensic evidence they could; however, Guatemala has little forensic capacity. There is a commitment, if not the resources, to investigate the shootings. Since the investigation is less than a week old, the GOG's reluctance to release information may signal it is proceeding carefully and cautiously.

HAMILTON